



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 01, 2019, Reference # P006539-011019

Dear California New Coalition:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

You requested:

*SUSTAINED FINDINGS:*

*Records in possession of the San Francisco Police Commission of sustained findings that a peace officer committed sexual assault or dishonesty-related misconduct between Jan. 1, 2014 and Dec. 31, 2018.*

*USE OF FORCE:*

*Records from Jan. 1, 2014 to Dec. 31, 2018 relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 01, 2019, Reference # P006539-011019

Dear California New Coalition:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

***SUSTAINED FINDINGS:***

*Records in possession of the San Francisco Police Commission of sustained findings that a peace officer committed sexual assault or dishonesty-related misconduct between Jan. 1, 2014 and Dec. 31, 2018.*

***USE OF FORCE:***

*Records from Jan. 1, 2014 to Dec. 31, 2018 relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.*

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





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**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 01, 2019, Reference # P006540-011019

Dear California New Coalition:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

You requested:

*This request is being made jointly by KQED News, the Bay Area News Group, and Investigative Studios, a non-profit news organization affiliated with the Investigative Reporting Program at the UC Berkeley.*

**SUSTAINED FINDINGS:**

*Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the San Francisco Police Department committed sexual assault or dishonesty-related misconduct.*

**USE OF FORCE:**

*Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;

- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





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**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 01, 2019, Reference # P006540-011019

Dear California New Coalition:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"This request is being made jointly by KQED News, the Bay Area News Group, and Investigative Studios, a non-profit news organization affiliated with the Investigative Reporting Program at the UC Berkeley.*

**SUSTAINED FINDINGS:**

*Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the San Francisco Police Department committed sexual assault or dishonesty-related misconduct.*

**USE OF FORCE:**

*Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury."*

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- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

T. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 02, 2019, Reference # P006541-011019

Dear California New Coalition:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*Kenneth Harding - July 16, 2011 All records related to the report, investigation and/or findings regarding the death of Kenneth Harding on July 16, 2011. Pralith Pralourng - July 18, 2012 All records related to the report, investigation and/or findings regarding the death of Pralith Pralourng following use of force by San Francisco police officers on July 18, 2012. Amilcar Perez Lopez - Feb. 26, 2015 All records related to the report, investigation and/or findings regarding the death of Amilcar Perez Lopez following use of force by San Francisco police officers on Feb. 26, 2015. Darnell Benson - Incident April 3, 2015, Death April 6, 2015 All records related to the report, investigation and/or findings regarding the death of Darnell Benson following use of force by San Francisco police officers on April 3, 2015. Luis Gongora - April 7, 2016 All records related to the report, investigation and/or findings regarding the death of Luis Gongora following use of force by San Francisco police officers on May April 7, 2016. Jessica Williams - May 19, 2016 All records related to the report, investigation and/or findings regarding the death of Jessica Williams following use of force by a San Francisco police officer on May 19, 2016. Sean Moore - Jan. 6, 2017 All records related to the report, investigation and/or findings regarding the use of force by San Francisco police officers on Sean Moore on Jan. 6, 2017. Carlos Margo (AKA Abel Florentino) - Incident March 11, 2017, Death March 24, 2017 All records related to the report, investigation and/or findings regarding the death of Carlos Margo (AKA Abel Florentino) following use of force by San Francisco police officers on March 11, 2017, during an incident that began at approximately 8:26 p.m. at Hecho Cantina restaurant at 2200 Market Street. The San Francisco Police Department has previously denied a similar request for records about this case, citing a still-active Internal Affairs investigation into the incident, most recently on Dec. 5, 2018. However, under Cal. PEN §832.7 as amended Jan. 1, 2019, the Department may only withhold such records for 180 days due to an ongoing administrative investigation. It has been approximately 649 days since this incident. Keita O'Neil - Dec. 1, 2017 All records related to the report, investigation and/or findings regarding the death of Keita O'Neil following use of force by a San Francisco police officer on Dec. 1, 2017. Oliver Barcenas - June 9, 2018 All records related to the report, investigation and/or*



*findings regarding the use of force by a San Francisco police officer on Oliver Barcenas on June 9, 2018.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

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Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

California New Coalition  
San Francisco, CA

RE: Public Records Request, dated January 02, 2019, Reference # P006541-011019

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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

Rickey Alexander  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006579-011519

Dear Rickey Alexander:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019.

You requested,

*Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting of or investigation of misconduct by another peace officer or custodial officer, including , but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying or concealing of evidence. (2) Records that shall be released pursuant to this subdivision include, but are not limited to, the framing allegations or complaint and any facts or evidence collected or considered, any report of the investigation or analysis of the evidence or the conduct, and any findings or recommended finding, discipline, or corrective action taken. The Information/documentation that I am seeking to obtain may be located from the following: 1 19991 San Francisco Police Report incident report No. 91097412 1 2. 1992 San Francisco superior court case No. 142522*

*INFORMATION/DOCUMENTATION REQUEST The information/documentation that I would like to obtain is whether or not any of the below listed officers who testified during my 1992 trial had any previous (prior to 1992) record of misconduct such as presenting false evidence, lying on the witness stand, false police reports and destroying evidence. OFFICERS NAMES 1. STEPHEN' GUEDELJ #1277 2. DENNIS MAFFEI #203 3. ARMAND GORDON #983 4. DAVID SEID #1205 5. MARK GAMBLE #157 6. ROBERT SUDANO #182".*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

 Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Rickey Alexander  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006579-011519

Dear Rickey Alexander:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019. On January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting of or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying or concealing of evidence. (2) Records that shall be released pursuant to this subdivision include, but are not limited to, the framing allegations or complaint and any facts or evidence collected or considered, any report of the investigation or analysis of the evidence or the conduct, and any findings or recommended finding, discipline, or corrective action taken. The Information/documentation that I am seeking to obtain may be located from the following: 1 19991 San Francisco Police Report incident report No. 91097412 1 2. 1992 San Francisco superior court case No. 142522*

*INFORMATION/DOCUMENTATION REQUEST The information/documentation that I would like to obtain is whether or not any of the below listed officers who testified during my 1992 trial had any previous (prior to 1992) record of misconduct such as presenting false evidence, lying on the witness stand, false police reports and destroying evidence. OFFICERS NAMES 1. STEPHEN' GUDELI #1277 2. DENNIS MAFFEI #203 3. ARMAND GORDON #983 4. DAVID SEID #1205 5. MARK GAMBLE #157 6. ROBERT SUDANO #182".*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Alec Bahramipour  
[REDACTED]

RE: Public Records Request, dated January 18, 2019, Reference # P006618-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019.

You requested, "*Request for Public Records Related to Amilcar Perez-Lopez's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.



SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Alec Bahramipour  
[REDACTED]

RE: Public Records Request, dated January 18, 2019, Reference # P006618-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019. On January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Request for Public Records Related to Amilcar Perez-Lopez's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

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- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Alec Bahramipour  
[REDACTED]

RE: Public Records Request, dated January 18, 2019, Reference # P006619-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019.

You requested, "*Request for Public Records Related to Alejandro Nieto's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

 Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Alec Bahramipour  
[REDACTED]

RE: Public Records Request, dated January 18, 2019, Reference # P006619-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019. On January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Request for Public Records Related to Alejandro Nieto's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division




**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Alec Bahramipour  


RE: Public Records Request, dated January 18, 2019, Reference # P006620-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019.

You requested, "*Request for Public Records Related to Jesus Adolfo Delgado Duarte's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Alec Bahramipour  


RE: Public Records Request, dated January 18, 2019, Reference # P006620-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019. On January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Request for Public Records Related to Jesus Adolfo Delgado Duarte's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Alec Bahramipour  
[REDACTED]

RE: Public Records Request, dated January 18, 2019, Reference # P006621-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019.

You requested, "*Request for Public Records Related to Luis Demetrio Gongora Pat's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.



SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

 Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



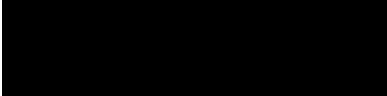
**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Alec Bahramipour  


RE: Public Records Request, dated January 18, 2019, Reference # P006621-011819

Dear Alec Bahramipour:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 18, 2019. On January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Request for Public Records Related to Luis Demetrio Gongora Pat's Death Now Subject to Disclosure Pursuant to S.B. 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 16, 2019

Michael Barba

RE: Public Records Request, dated January 06, 2019, Reference # P006487-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019, on January 16, 2019.

You requested:

*RE: Request for Public Records Regarding Rodger Ponce De Leon To Whom It May Concern:*

*I request the release of records under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office's possession, regardless of who created them. Please provide all records in your agency's possession up until the date that this request was received. I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of Rodger Ponce De Leon. This includes all records related to the following conduct: • Any sustained finding involving sexual assault, as defined by Cal. Penal Code §832.7(b)(1)(B)(ii); • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any*



*documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure. If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied. Please send any documents in electronic format via the SFPD Public Records Portal or to*

[REDACTED]

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 30, 2019.

If you have any questions, please contact Officer Jose Mora #2275 at (415) 575-7213.

Sincerely,

*Lt. Kathryn Waaland*

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 30, 2019

Michael Barba

RE: Public Records Request, dated January 06, 2019, Reference # P006487-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

*"RE: Request for Public Records Regarding Rodger Ponce De Leon To Whom It May Concern:*

*I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of Rodger Ponce De Leon. This includes all records related to the following conduct: • Any sustained finding involving sexual assault, as defined by Cal. Penal Code §832.7(b)(1)(B)(ii); • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
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- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Michael Barba  


RE: Public Records Request, dated January 06, 2019, Reference # P006487-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019 and January 30, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 16, 2019  
[REDACTED]

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006488-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019, on January 16, 2019.

You requested:

*RE: Request for Public Records Regarding former Officer Michael Filamor To Whom It May Concern:*

*I request the release of records under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office's possession, regardless of who created them. Please provide all records in your agency's possession up until the date that this request was received. I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of former Officer Michael Filamor. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process,*



*and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure. If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied. Please send any documents in electronic format via the SFPD Public Records Portal or to*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 30, 2019.

If you have any questions, please contact Jose Mora [REDACTED]

Sincerely,

 Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 30, 2019

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006488-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "Jan. 6, 2019 San Francisco Police Department 1251 3rd St, San Francisco, CA 94158 Via SFPD Public Records Portal RE: Request for Public Records Regarding former Officer Michael Filamor To Whom It May Concern: I request the release of records under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office's possession, regardless of who created them. Please provide all records in your agency's possession up until the date that this request was received. I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of former Officer Michael Filamor. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.



These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Kathleen Langley at [REDACTED]

Sincerely,

 T. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006488-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019 and January 30, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Jan. 6, 2019 San Francisco Police Department 1251 3rd St, San Francisco, CA 94158 Via SFPD Public Records Portal RE: Request for Public Records Regarding former Officer Michael Filamor To Whom It May Concern: I request the release of records under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office's possession, regardless of who created them. Please provide all records in your agency's possession up until the date that this request was received. I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of former Officer Michael Filamor. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness Records include all investigative reports;- photographic, audio, and video evidence; transcripts or recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action...*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.



These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.


Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Kathleen Langley at [REDACTED]

Sincerely,

**SGT. STACY YOUNGBLOOD #1211** 

  
Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 16, 2019  
[REDACTED]

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006489-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019, on January 16, 2019.

You requested,

*RE: Request for Public Records Regarding retired Lt. Curtis Liu To Whom It May Concern:*

*I request the release of records under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office's possession, regardless of who created them. Please provide all records in your agency's possession up until the date that this request was received. I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of retired Lt. Curtis Liu. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness. Records include all investigative reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Please respond to*



*this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure. If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied. Please send any documents in electronic format via the SFPD Public Records Portal or to [REDACTED]*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 30, 2019.

If you have any questions, please contact Jose Mora [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 30, 2019  
[REDACTED]

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006489-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

*"RE: Request for Public Records Regarding retired Lt. Curtis Liu To Whom It May Concern:*

*I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of retired Lt. Curtis Liu. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Michael Barba  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006489-010619

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019 and January 30, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*RE: Request for Public Records Regarding retired Lt. Curtis Liu To Whom It May Concern:*"

*I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of retired Lt. Curtis Liu. This includes all records related to the following conduct: • Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness...*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 14, 2019  
[REDACTED]

Maria Belyi  
[REDACTED]

RE: Public Records Request, dated January 04, 2019, Reference # P006497-010719

Dear Maria Belyi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 04, 2019.

You requested:

*RE: Public Records Act Request for Officer Paulo Morgado # 4201 and Officer Dennis Cravalho, # 1783 pursuant to SB 1421 and Penal Code Section 832.7. I am requesting all the records available for the above-mentioned officers pursuant to SB 1421 and Penal Code section 832.7 (b). Specifically, I am requesting records relating to the report, investigation, and findings of the following: 1. Any incident(s) involving the discharge of a firearm at a person by either Officer Morgado or former Officer Cravalho (Cal. Pen. Code § 832.7(b)(A)(i)); 2. Any incident(s) in which the use of force by either Officer Morgado or former Officer Cravalho resulted in death or in great bodily injury. (Cal. Pen. Code § 832.7(b)(A)(ii)); 3. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that Officer Morgado or former Officer Cravalho engaged in sexual assault involving a member of the public. (Cal. Pen. Code §§ 832.7(b)(B)(i), (ii) and (iii)). a. As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault. b. As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Officer Paulo Morgado or former Officer Dennis Cravalho directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to,*



*any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Please release: all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Please also release statements by other officers relevant to a sustained finding against Officer Morgado and former Officer Cravalho about any incidents they were involved in. Please do not hesitate to email me at [REDACTED] or call me or J. Tony Serra at [REDACTED] with any questions or concerns.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 28, 2019.

If you have any questions, please contact Jose Mora at [REDACTED]

Thank you for your attention.

Sincerely,

**Sgt. Victoria Sullivan #571**

*FOR*  
Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Maria Belyi  
[REDACTED]

RE: Public Records Request, dated January 04, 2019, Reference # P006497-010719

Dear Maria Belyi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 04, 2019. On January 14, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested,

*"I am requesting records relating to the report, investigation, and findings of the following: 1. Any incident(s) involving the discharge of a firearm at a person by either Officer Morgado or former Officer Cravalho (Cal. Pen. Code § 832.7(b)(A)(i)); 2. Any incident(s) in which the use of force by either Officer Morgado or former Officer Cravalho resulted in death or in great bodily injury. (Cal. Pen. Code § 832.7(b)(A)(ii)); 3. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that Officer Morgado or former Officer Cravalho engaged in sexual assault involving a member of the public. (Cal. Pen. Code §§ 832.7(b)(B)(i), (ii) and (iii)). a. As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault. b. As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Officer Paulo Morgado or former Officer Dennis Cravalho directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence ...."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.



Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

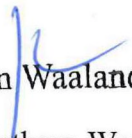
It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Maria Belyi  
[REDACTED]

RE: Public Records Request, dated January 04, 2019, Reference # P006497-010719

Dear Maria Belyi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 04, 2019. On January 14, 2019 and January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I am requesting records relating to the report, investigation, and findings of the following: 1. Any incident(s) involving the discharge of a firearm at a person by either Officer Morgado or former Officer Cravalho (Cal. Pen. Code § 832.7(b)(A)(i)); 2. Any incident(s) in which the use of force by either Officer Morgado or former Officer Cravalho resulted in death or in great bodily injury. (Cal. Pen. Code § 832.7(b)(A)(ii)); 3. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that Officer Morgado or former Officer Cravalho engaged in sexual assault involving a member of the public. (Cal. Pen. Code §§ 832.7(b)(B)(i), (ii) and (iii)). a. As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault. b. As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Officer Paulo Morgado or former Officer Dennis Cravalho directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence...."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]

Peter Bibring  
[REDACTED]

RE: Public Records Request, dated January 01, 2018, Reference # P006443-010119

Dear Peter Bibring:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2018.

You requested:

*I write to respectfully request records related to the investigation and discipline of peace officers employed by the San Francisco Police Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.*

*Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of the ACLU of California (including the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties) as well as a wide array of civil rights, government transparency, and criminal defense groups, including the Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.*

*We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.*

## *I. Requests for Records*

*We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.*

*As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of "Decisional Documents" relating to the administrative investigation of the incident. For purposes of these requests, "Decisional Documents" means all documents[1] reflecting or setting forth:*

- The Department's decision, prior to any administrative appeal, that an officer's conduct did (or did not) violate the law or agency policy, and any reasons for that decision;*
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer's conduct was within policy and/or warranted discipline or other corrective action;*
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;*
- A decision on appeal from the Department's factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the Skelly or grievance process,*
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;*
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;*
- The final imposition of discipline or implementation of corrective action.*

*For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).*



*For purposes of these requests, "Decisional Documents" does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.*

*We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time and effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.*

*Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department[2] that resulted in death, from January 1, 1999 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*

*Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. See Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.*

*Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.*

*Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. See Penal Code § 832.7(b)(1)(A)(i).*

*Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted in great bodily injury, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*

*Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted in great bodily injury but not death, regardless of date.*

*Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(B). For purposes of this request, "sexual assault" refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. See id. § 832.7(b)(1)(B)(ii).*

*Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Peter Bibring  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006443-010119

Dear Peter Bibring:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 1, 2019.

You requested:

*"I write to respectfully request records related to the investigation and discipline of peace officers employed by the San Francisco Police Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.*

*Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department[2] that resulted in death, from January 1, 1999 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*

*Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. See Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.*

*Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.*

*Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. See Penal Code § 832.7(b)(1)(A)(i).*

*Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*

*Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted great bodily injury but not death, regardless of date.*

*Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(B). For purposes of this request, "sexual assault" refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. See id. § 832.7(b)(1)(B)(ii).*

*Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Peter Bibring  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006443-010119

Dear Peter Bibring:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 1, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department[2] that resulted in death, from January 1, 1999 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*"

*Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. See Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.*

*Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.*

*Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. See Penal Code § 832.7(b)(1)(A)(i).*



*Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(A)(ii).*

*Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted great bodily injury but not death, regardless of date.*

*Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(B). For purposes of this request, "sexual assault" refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. See id. § 832.7(b)(1)(B)(ii).*

*Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date...*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 16, 2019  
[REDACTED]

Darwin Bond Graham  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006490-010619

Dear Darwin Bond Graham:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019, on January 16, 2019.

You requested:

*This is a California Public Records Act request made pursuant to the newly amended Penal Code Section 832.7 and 832.8 which states that "the public has a right to know all about serious police misconduct, as well as about officer-involved shootings and other serious uses of force." The law requires agencies to disclose personnel records, investigative records, and findings including: (1) incidents involving the discharge of a firearm at a person by a peace officer or custodial officer, (2) incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury, (3) any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public, (4) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Per the law, your agency shall release the following types of records: "all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action." Pursuant to the newly amended law, your office shall disclose records maintained as part of its Brady list and Brady disclosure materials, which are maintained by law enforcement agencies*



*and district attorneys in compliance with Brady v. Maryland (373 U.S. 83) and California Evidence Code Sections 1043 to 1047. SB 1421 removed the confidentiality classification for police personnel files contained in Penal Code Section 832.7 and 832.8 for all records involving an officer-involved shooting, uses of force resulting in great bodily harm, and sustained complaints of sexual assault and dishonesty. As a result, a Pitchess motion and judicial in camera review, as described in California Evidence Code Sections 1043 to 1047, is no longer required to disclose portions of a police officer's personnel file. Additionally, Brady lists maintained by police departments and prosecutors are no longer confidential because they are records of sustained police officer misconduct matching the types of police misconduct cases which SB 1421 now places into the public record. Given the above facts, please provide me with the following public records: 1. A complete copy of any and all lists, databases, spreadsheets, files, catalogues, or other types of records which identify peace officers who are on a "Brady list." Please include all non-exempt portions of this record, including the names of officer, descriptions of incidents and materials which have placed them on the Brady list, the dates of incidents, and any other information your Brady list contains. 2. Copies of all notifications sent by your agency to a police officer notifying the officer that your agency is in possession of Brady material regarding the officer. Please provide nonfictions sent for the past five years (January 1, 2013 to present). 3. Copies of all responses from police officers to notifications by your agency that your agency is in possession of Brady material. Please provide replies sent in past five years (January 1, 2013 to present). 4. Copies of any and all formal recommendations or findings made by your department's Brady Committee to the Chief of Police that an officer has Brady material(s) in his or her personnel file and/or IAD cases, or elsewhere, and that the district attorney should be notified of this. Please search for records generated in the past five years (January 1, 2013 to present). 5. Copies of any and all formal approvals by the SFPD Police Chief that an officer has Brady materials in his or her files or elsewhere, and that this should be disclosed to the District Attorney.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 30, 2019.

If you have any questions, please contact Jose Mora [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 30, 2019  
[REDACTED]

Darwin Bond Graham  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006490-010619

Dear Darwin Bond Graham:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

*"1. A complete copy of any and all lists, databases, spreadsheets, files, catalogues, or other types of records which identify peace officers who are on a "Brady list." Please include all non-exempt portions of this record, including the names of officer, descriptions of incidents and materials which have placed them on the Brady list, the dates of incidents, and any other information your Brady list contains. 2. Copies of all notifications sent by your agency to a police officer notifying the officer that your agency is in possession of Brady material regarding the officer. Please provide nonfictions sent for the past five years (January 1, 2013 to present). 3. Copies of all responses from police officers to notifications by your agency that your agency is in possession of Brady material. Please provide replies sent in past five years (January 1, 2013 to present). 4. Copies of any and all formal recommendations or findings made by your department's Brady Committee to the Chief of Police that an officer has Brady material(s) in his or her personnel file and/or IAD cases, or elsewhere, and that the district attorney should be notified of this. Please search for records generated in the past five years (January 1, 2013 to present). 5. Copies of any and all formal approvals by the SFPD Police Chief that an officer has Brady materials in his or her files or elsewhere, and that this should be disclosed to the District Attorney.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;

- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Darwin Bond Graham  
[REDACTED]

RE: Public Records Request, dated January 06, 2019, Reference # P006490-010619

Dear Darwin Bond Graham:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 06, 2019. On January 16, 2019 and January 30, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"1. A complete copy of any and all lists, databases, spreadsheets, files, catalogues, or other types of records which identify peace officers who are on a "Brady list." Please include all non-exempt portions of this record, including the names of officer, descriptions of incidents and materials which have placed them on the Brady list, the dates of incidents, and any other information your Brady list contains. 2. Copies of all notifications sent by your agency to a police officer notifying the officer that your agency is in possession of Brady material regarding the officer. Please provide nonfictions sent for the past five years (January 1, 2013 to present). 3. Copies of all responses from police officers to notifications by your agency that your agency is in possession of Brady material. Please provide replies sent in past five years (January 1, 2013 to present). 4. Copies of any and all formal recommendations or findings made by your department's Brady Committee to the Chief of Police that an officer has Brady material(s) in his or her personnel file and/or IAD cases, or elsewhere, and that the district attorney should be notified of this. Please search for records generated in the past five years (January 1, 2013 to present). 5. Copies of any and all formal approvals by the SFPD Police Chief that an officer has Brady materials in his or her files or elsewhere, and that this should be disclosed to the District Attorney."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;

- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



Date

**Subject:** Public Records Request :: P006870-021919

**Body:**

February 20, 2019

Via email [REDACTED]

Michael Bott  
NBC Bay Area  
San Francisco, CA

RE: Public Records Request, dated February 19, 2019, Reference # P006870-021919

Dear Michael Bott:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 19, 2019, on February 20, 2019.

You requested, "*Michael Bott*"

[REDACTED]  
[REDACTED]  
[REDACTED]

February 15, 2019

Dear Custodian of Records:

*Pursuant to my rights under the California Public Records Act and SB 1421, I am requesting the following records pertaining to San Francisco Police Officer Carlos E. Padilla.*

*I am specifically requesting electronic copies of the peace officer personnel files for Carlos E. Padilla related to the following:*

- *An incident involving the discharge of a firearm at a person*
- *An incident in which the use of force against a person resulted in great bodily injury or death*
- *An incident involving the sexual assault of a member of the public*
- *An incident in which a sustained finding was made of dishonesty*

*In addition to the records being sought under SB 1421, I am requesting the following records related to Officer Carlos E. Padilla:*

- *Any text messages sent to or from Padilla's department-issued phone that include any of the following search terms: "Scooby", "Casper", "Jose", "Morales", "Shoot", "Choke", "mg", "kill", and/or "Bitch"*
- *Any emails sent to or from Padilla with the same search terms*

*As stated in SB 1421, "Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action."*

*If there are any fees for searching or copying these records, please inform me.*

*The California Public Records Act requires a response within 10 business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.*

*If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.*

*Thank you for considering my request.*

Sincerely,

Michael Bott  
[REDACTED]

Carlos E. Padilla date of hire 9/24/2007  
Current Rank Q3 Police Officer III  
Current Salary: \$100,958/year.  
Information regarding disciplinary action/demotion is exempt from release under Cal PC 832.7

Thank you for your attention.

Sincerely,

Sgt. M. Andraychak  
Media Relations Unit



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

Dr. Stephen Bourque  
[REDACTED]

RE: Public Records Request, dated January 17, 2019, Reference # P006610-011719

Dear Dr. Stephen Bourque:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 17, 2019.

*You requested, "Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) and Senate Bill 1421, please find submitted (1) Cover Letter, (2) Request Details and (2) Request for Incident Report Form which together comprise this CPRA request for copies of the records which I understand to be held by your agency. There are several requests made as part of this written CPRA Records request, each of which are detailed in the Request Details enclosure found as pages #2 & #3 following this cover letter. The main component of this CPRA centers around the 04/23/12 arrest by several individuals employed with the SFPD of myself whereby Report #120326217 was generated. As such, I am requesting responsive records for each individual directly involved with the incident via SB 1421. There are several other requests that are also detailed in the Request Details found on pages #2 and #3. I ask for a determination on this request 10 days of your receipt of it. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Dr. Stephen Bourque  
[REDACTED]

RE: Public Records Request, dated January 17, 2019, Reference # P006610-011719

Dear Dr. Stephen Bourque:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 17, 2019. On January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) and Senate Bill 1421, please find submitted (1) Cover Letter, (2) Request Details and (2) Request for Incident Report Form which together comprise this CPRA request for copies of the records which I understand to be held by your agency. There are several requests made as part of this written CPRA Records request, each of which are detailed in the Request Details enclosure found as pages #2 & #3 following this cover letter. The main component of this CPRA centers around the 04/23/12 arrest by several individuals employed with the SFPD of myself whereby Report #120326217 was generated. As such, I am requesting responsive records for each individual directly involved with the incident via SB 1421. There are several other requests that are also detailed in the Request Details found on pages #2 and #3. I ask for a determination on this request 10 days of your receipt of it. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:



- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 22, 2019

Cory Chandler  
[REDACTED]

RE: Public Records Request, dated February 13, 2019, Reference # P006841-021419

Dear Cory Chandler:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 13, 2019.

*You requested, "Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a Peace officer or Custodial officer directly relating to the investigation or prosecution of a crime or directly relating to the reporting of, or investigation of misconduct by another Peace officer finding of perjury, false statement, filing false reports, destruction falsifying or concealing of evidence. This information is being sought from the personnel records of the following two Officers: San Francisco Police Inspector Lt. Phil Dito San Francisco Police Sgt. Judith Riggle #1713"*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 08, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Sgt. Victoria Sullivan #571

*KW*  
Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 08, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated January 30, 2019, Reference # P006716-013019

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 30, 2019.

You requested:

*"All incidents concerning Officer Fergus (#1943) relating to the following: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated January 30, 2019, Reference # P006716-013019

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 30, 2019. On February 08, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"All incidents concerning Officer Fergus (#1943) relating to the following: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 08, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated January 30, 2019, Reference # P006720-013019

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 30, 2019.

You requested:

*"Re: People v. Jerry Young; SF MCN: 13004013; Public Records Request Re Officers Minkel (#1451), Shavers (#1732), Elieff (#4179), Banegas (#963), Pascua (#4014) and Saw (#622)*

*I am requesting that any records or reports regarding the following for the above-referenced SFPD officers be made available to our office for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated January 30, 2019, Reference # P006720-013019

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 30, 2019. On February 08, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency

You requested, "*Re: People v. Jerry Young; SF MCN: 13004013; Public Records Request Re Officers Minkel (#1451), Shavers (#1732), Elieff (#4179), Banegas (#963), Pascua (#4014) and Saw (#622)*

*I am requesting that any records or reports regarding the following for the above-referenced SFPD officers be made available to our office for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated February 05, 2019, Reference # P006769-020519

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 05, 2019.

You requested, "Re: *People v. Jerry Young*; SF MCN: 13004013; Public Records Request Re Officers Minkel (#1451), Shavers (#1732), Elieff (#4179), Banegas (#963), Pascua (#4014) and Saw (#622)

*"I am requesting that any records or reports regarding the following for the above-referenced SFPD officers be made available to our office for inspection: An incident involving the discharge of a firearm at a person by a peace officer. An incident in which the use of force by a peace officer resulted in death or great bodily injury. An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

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- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Rod Ciferri  
[REDACTED]

RE: Public Records Request, dated February 05, 2019, Reference # P006770-020519

Dear Rod Ciferri:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 05, 2019.

You requested, "*Re: Public Records Act Request for Officer Fergus (#1943)*"

*"I am requesting that any records or reports regarding the following for Officer Fergus (#1943) be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 18, 2019  
[REDACTED]

Brian Cox  
San Francisco, CA

RE: Public Records Request, dated January 11, 2019, Reference # P006561-011119

Dear Brian Cox:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 11, 2019.

You requested:

Under the California Public Records Act<sup>1</sup>, I ask to obtain a copy of the following for SFPD Sgt. Barry Parker (#462):

1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by Sgt. Parker (#462).
2. All records relating to the report, investigation, or findings of an incident in which the use of force by Sgt. Parker (#462) against a person resulted in death, or in great bodily injury.
3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that Sgt. Parker (#462) engaged in sexual assault - including the propositioning for or commission of any sexual act while on duty - involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency.
4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Sgt. Parker (#462) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.



- all investigative reports;
- photographic, audio, and video evidence;
- transcripts or recordings of interviews;
- autopsy reports;
- all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take;
- documents setting forth findings or recommended findings; and
- copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than February 01, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

† † Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 1, 2019  
[REDACTED]

Brian Cox  
San Francisco, CA

RE: Public Records Request, dated January 11, 2019, Reference # P006561-011119

Dear Brian Cox:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 11, 2019. On January 18, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

Under the California Public Records Act<sup>1</sup>, I ask to obtain a copy of the following for SFPD Sgt. Barry Parker (#462):

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SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

 Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Brian Cox  
[REDACTED]

RE: Public Records Request, dated January 11, 2019, Reference # P006561-011119

Dear Brian Cox:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 11, 2019. On January 18, 2019 and February 01, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *Under the California Public Records Act1, I ask to obtain a copy of the following for SFPD Sgt. Barry Parker (#462):*

- 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by Sgt. Parker (#462).*
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Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

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HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 1, 2019  
[REDACTED]

Brian Cox  
[REDACTED]

RE: Public Records Request, dated January 22, 2019, Reference # P006633-012219

Dear Brian Cox:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 22, 2019.

You requested:

Under the California Public Records Act<sup>1</sup>, I ask to obtain a copy of the following for SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597):

1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597).
2. All records relating to the report, investigation, or findings of an incident in which the use of force by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) against a person resulted in death, or in great bodily injury.
3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) engaged in sexual assault - including the propositioning for or commission of any sexual act while on duty - involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency.
4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or



investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will

not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Brian Cox  
[REDACTED]

RE: Public Records Request, dated January 22, 2019, Reference # P006633-012219

Dear Brian Cox:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 22, 2019. On February 01, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *Under the California Public Records Act*1, I ask to obtain a copy of the following for SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597):

1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597).
2. All records relating to the report, investigation, or findings of an incident in which the use of force by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) against a person resulted in death, or in great bodily injury.
3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) engaged in sexual assault - including the propositioning for or commission of any sexual act while on duty - involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency.
4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by SFPD Officer John Fergus (#1943) and SFPD Officer Robert Gilson (#1597) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been



reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 22, 2019

Zachary Dillon  
[REDACTED]

RE: Public Records Request, dated February 13, 2019, Reference # P006837-021319

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 13, 2019.

You requested, *"This is a formal request for records under the California Public Records Act (Gov. Code §§ 6250–6270 and Penal Code section 832.7, which was passed as part of SB1421 (2018). Under Penal Code section 832.7, "peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act . . . ." I am requesting that any records or reports regarding the following for Ofc. Endo, star 2475; Sgt. Sullivan, star 2484; Sgt. Griffin, star 1835; be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. A response to this request shall be made within 10 days. (Gov. Code, § 6253.) Any refusal to this request must be justified in writing. (Gov. Code, § 6255.) This request may be enforced through injunctive relief or a court writ of mandate, and awarding of attorneys' fees. (Gov. Code, §§ 6258, 6259.)"*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 08, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Sgt. Victoria Sullivan #571

FOR  
Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 31, 2019

Lisa Fernandez  
[REDACTED]

RE: Public Records Request, dated January 21, 2019, Reference # P006626-012119

Dear Lisa Fernandez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 21, 2019.

You requested:

*"1. The names and reports of officers involved in police or deputy misconduct and covered under SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident. 2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video. 3. In addition, please provide how many complaints from the public about police misconduct regarding the items covered in SB 1421 you have gotten in this time period. (Back to Jan. 1, 2017 first, and then back to Jan. 1, 2014) 4. How many department-initiated internal affairs investigations regarding items covered in SB 1421 have you conducted in this time period? 5. How many claims and lawsuits have you received and settled regarding the items covered in SB 1421 in the same time period? KTVU is asking for Part 1 of our request as soon as possible. We are seeking: (A) A record relating to the report, investigation, or findings of any of the following: (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury. (B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public. (ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault. (iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency. (C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or*



*directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests.

Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Lisa Fernandez  
[REDACTED]

RE: Public Records Request, dated January 21, 2019, Reference # P006626-012119

Dear Lisa Fernandez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 21, 2019. On January 31, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "1. The names and reports of officers involved in police or deputy misconduct and covered under SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident. 2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video. 3. In addition, please provide how many complaints from the public about police misconduct regarding the items covered in SB 1421 you have gotten in this time period. (Back to Jan. 1, 2017 first, and then back to Jan. 1, 2014) 4. How many department-initiated internal affairs investigations regarding items covered in SB 1421 have you conducted in this time period? 5. How many claims and lawsuits have you received and settled regarding the items covered in SB 1421 in the same time period? KTVU is asking for Part 1 of our request as soon as possible. We are seeking: (A) A record relating to the report, investigation, or findings of any of the following: (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury. (B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public. (ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault. (iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency. (C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a

*crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 01, 2019

Lisa Fernandez  
[REDACTED]

RE: Public Records Request, dated January 22, 2019, Reference # P006643-012219

Dear Lisa Fernandez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 22, 2019.

You requested:

*"1. The names and reports of officers involved in conduct, soon to be made public as a result of SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Include related video as well.*

*2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Include related video as well. KTVU is asking for Part 1 of our request as soon as possible, which we are seeking before a release of Part 2, as we anticipate the latter request will take longer. We are filing this request in anticipation of SB 1421 becoming law on Jan. 1, 2019, when these records must become public. The 10-day period can start then. We are seeking:*

- Records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by a peace officer or custodial officer.*
- Records relating to the report, investigation or findings of an incident in which the use of force by a peace officer or custodial officer against a person results in death or great bodily injury.*
- Records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public*
- Records relating to an incident in which a sustained finding of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.



Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend

to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

T + Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Lisa Fernandez  
[REDACTED]

RE: Public Records Request, dated January 22, 2019, Reference # P006643-012219

Dear Lisa Fernandez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 22, 2019. On February 01, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"1. The names and reports of officers involved in conduct, soon to be made public as a result of SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Include related video as well.*

*2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Include related video as well. KTVU is asking for Part 1 of our request as soon as possible, which we are seeking before a release of Part 2, as we anticipate the latter request will take longer. We are filing this request in anticipation of SB 1421 becoming law on Jan. 1, 2019, when these records must become public. The 10-day period can start then. We are seeking: •Records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by a peace officer or custodial officer. •Records relating to the report, investigation or findings of an incident in which the use of force by a peace officer or custodial officer against a person results in death or great bodily injury. • Records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public •Records relating to an incident in which a sustained finding of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]

Matt Gonzalez  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*I ask to obtain a copy of the following, for each of the San Francisco Police Officers listed on the attached document titled "San Francisco Police Department Sworn Personnel By Name" Run Date: 05/30/18: 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by any police officers listed on the attached document. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by any police officers listed on the attached document against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that any police officers listed on the attached document engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by any police officers listed on the attached document directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury,*

*false statements, filing false reports, destruction, falsifying, or concealing of evidence. The California legislature has codified these records as not confidential and available for public inspection pursuant to the California Public Records Act.<sup>2</sup> The same statute specifies that the records released shall include: • all investigative reports; • photographic, audio, and video evidence; • transcripts or recordings of interviews; • autopsy reports; • all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; • documents setting forth findings or recommended findings; and • copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.<sup>3</sup> I ask for a determination on this request within 10 days of your receipt of it. <sup>2</sup>Penal Code Section 832.7(b)(1). <sup>3</sup>Penal Code Section 823.7(b)(2)."*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**LONDON N. BREED**  
MAYOR

**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Matt Gonzalez  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*I ask to obtain a copy of the following, for each of the San Francisco Police Officers listed on the attached document titled "San Francisco Police Department Sworn Personnel By Name" Run Date: 05/30/18: 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by any police officers listed on the attached document. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by any police officers listed on the attached document against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that any police officers listed on the attached document engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by any police officers listed on the attached document directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. The California legislature has codified these records as not confidential and available for public inspection pursuant to the California Public Records Act.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been



reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Matt Gonzalez  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I ask to obtain a copy of the following, for each of the San Francisco Police Officers listed on the attached document titled "San Francisco Police Department Sworn Personnel By Name" Run Date: 05/30/18: 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by any police officers listed on the attached document. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by any police officers listed on the attached document against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that any police officers listed on the attached document engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by any police officers listed on the attached document directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.



These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 28, 2019

Albert Lannon  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006596-011519

Dear Albert Lannon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019.

*You requested, "On April 19, 1979, about 7 p.m., David Castro was shot and killed at 25th Street and Orange Alley by DEA agents in a drug sting. Four SFPD officers were part of the operation. I am looking for the SFPD report(s) of that incident, and any other information you might be able to give me. My formal FOIA request is attached"*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Albert Lannon  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006596-011519

Dear Albert Lannon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019. On January 28, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "On April 19, 1979, about 7 p.m., David Castro was shot and killed at 25th Street and Orange Alley by DEA agents in a drug sting. Four SFPD officers were part of the operation. I am looking for the SFPD report(s) of that incident, and any other information you might be able to give me. My formal FOIA request is attached"*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 12, 2019  
[REDACTED]

Tiffany Le  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006523-010919

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*"I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officers JOHN FERGUS #1943 and ROBERT GILSON #1597. Please see PDF attachment named 'Turner; Public Records Request SFPD' for details.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 26, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006523-010919

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*"I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officers JOHN FERGUS #1943 and ROBERT GILSON #1597. Please see PDF attachment named 'Turner; Public Records Request SFPD' for details.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or

investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006523-010919

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019. On January 12, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officers JOHN FERGUS #1943 and ROBERT GILSON #1597. Please see PDF attachment named 'Turner; Public Records Request SFPD' for details.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 18, 2019  
[REDACTED]

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated January 10, 2019, Reference # P006547-011019

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 10, 2019.

You requested:

*I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officer LUIS DEJESUS #247, Sergeant KEVIN LABANOWSKI #984, and Sergeant DANIEL MANNING #1076. Please see PDF attachment named 'Windom; Public Records Request SFPD' for details.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than February 01, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 1, 2019  
[REDACTED]

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated January 10, 2019, Reference # P006547-011019

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 10, 2019. On January 20, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested:

*I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officer LUIS DEJESUS #247, Sergeant KEVIN LABANOWSKI #984, and Sergeant DANIEL MANNING #1076. Please see PDF attachment named 'Windom; Public Records Request SFPD' for details.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated January 10, 2019, Reference # P006547-011019

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 10, 2019. On January 18, 2019 and February 01, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I request all records recognized as public under Penal Code section 832.7 concerning SFPD Officer LUIS DEJESUS #247, Sergeant KEVIN LABANOWSKI #984, and Sergeant DANIEL MANNING #1076. Please see PDF attachment named 'Windom; Public Records Request SFPD' for details."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 11, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated February 01, 2019, Reference # P006737-020119

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 01, 2019.

You requested:

*"I ask to obtain a copy of the following for San Francisco Police Department Officers Daniel Manning (Star #1076) and Eduard Ochoa (Star #1317):*

*1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by the above-listed officers. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by the above-listed officers against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that the above-listed officers engaged in sexual assault – including the propositioning for or commission of any sexual act while on duty – involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by the above-listed officers directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:



- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

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If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated February 01, 2019, Reference # P006737-020119

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 01, 2019. On February 11, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I ask to obtain a copy of the following for San Francisco Police Department Officers Daniel Manning (Star #1076) and Eduard Ochoa (Star #1317):*

*1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by the above-listed officers. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by the above-listed officers against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that the above-listed officers engaged in sexual assault – including the propositioning for or commission of any sexual act while on duty – involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by the above-listed officers directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 14, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated February 04, 2019, Reference # P006748-020419

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 04, 2019.

You requested, *Under the California Public Records Act*, I ask to obtain a copy of the following for **San Francisco Police Department Officers JOSHUA CABILLO (Star #1014) and LUCAS MALATESTA (Star #219):**

*1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by the above-listed officers. 2. All records relating to the report, investigation, or findings of an incident in which the use of force by the above-listed officers against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that the above-listed officers engaged in sexual assault – including the propositioning for or commission of any sexual act while on duty – involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider “member of the public” to be any person not employed by the officer’s employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by the above-listed officers directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer’s discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 28, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED]

Sincerely,

**SGT. STACY YOUNGBLOOD #12115**

*For*

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 19, 2019

Tiffany Le  
[REDACTED]

RE: Public Records Request, dated February 08, 2019, Reference # P006802-020819

Dear Tiffany Le:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 08, 2019.

You requested, *"Under the California Public Records Act1, I ask to obtain a copy of the following for San Francisco Police Department Officers TYLER STEVEN DOVE (Star #4326) and VINCENT J. PACCHETTI (Star #2020):*

- 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by the above-listed officers.*
- 2. All records relating to the report, investigation, or findings of an incident in which the use of force by the above-listed officers against a person resulted in death, or in great bodily injury.*
- 3. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by the above-listed officers directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 05, 2019. Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Sgt. Victoria <sup>B</sup>Sullivan #571

<sup>For</sup>  
Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 17, 2019  
[REDACTED]

Julian Mark  
[REDACTED]

RE: Public Records Request, dated January 07, 2019, Reference # P006507-010719

Dear Julian Mark:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 07, 2019.

You requested:

*The internal affairs investigation final report into the officers involved in the shooting of Amalcar Perez Lopez (Feb. 26, 2015) — SFPD Officers Craig Tiffe and Eric Reboli — that was presented to the Firearm Discharge Review Board.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 31, 2019.

If you have any questions, please contact Ofc. Jose Mora [REDACTED]

Sincerely,

**Sgt. Victoria Sullivan #571**

*FOR*  
Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 31, 2019  
[REDACTED]

Julian Mark  
[REDACTED]

RE: Public Records Request, dated January 07, 2019, Reference # P006507-010719

Dear Julian Mark:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 07, 2019. On January 17, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency

You requested:

*The internal affairs investigation final report into the officers involved in the shooting of Amalcar Perez Lopez (Feb. 26, 2015) — SFPD Officers Craig Tiffe and Eric Reboli — that was presented to the Firearm Discharge Review Board.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and

- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Julian Mark  
[REDACTED]

RE: Public Records Request, dated January 07, 2019, Reference # P006507-010719

Dear Julian Mark:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 07, 2019. On January 17, 2019 and January 31, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*The internal affairs investigation final report into the officers involved in the shooting of Amalcar Perez Lopez (Feb. 26, 2015) — SFPD Officers Craig Tiffe and Eric Reboli — that was presented to the Firearm Discharge Review Board.*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 05, 2019

Ben Poston Maya Lau  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006453-010219

Dear Ben Poston Maya Lau:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*"Specifically, we would like to review: •Letters of discipline from Jan. 1, 2014, through Jan. 1, 2019, for current and former sworn officers employed by your agency relating to reports, investigations, or findings from*

*•Any incident involving the discharge of a firearm at a person by a peace officer or custodial officer;  
•Any incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury  
•Any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; •Any incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. By Letters of Discipline, we are referring to any documents sent to peace officers that notify them of the discipline being imposed against them. The documents may also include the severity of the discipline; the policies and procedures violated; the basic facts of the case, the officer's work history and whether the officer contested the discipline..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;

- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Sgt. Victoria <sup>FOR</sup> Sullivan #571

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Ben Poston Maya Lau  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006453-010219

Dear Ben Poston Maya Lau:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019. On February 05, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"Specifically, we would like to review: •Letters of discipline from Jan. 1, 2014, through Jan. 1, 2019, for current and former sworn officers employed by your agency relating to reports, investigations, or findings from:*

*•Any incident involving the discharge of a firearm at a person by a peace officer or custodial officer;  
•Any incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury  
•Any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; •Any incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. By Letters of Discipline, we are referring to any documents sent to peace officers that notify them of the discipline being imposed against them. The documents may also include the severity of the discipline; the policies and procedures violated; the basic facts of the case, the officer's work history and whether the officer contested the discipline..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;

- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]

Seth Meisels  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006456-010219

Dear Seth Meisels:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*"Under the California Public Records Act (Penal Code Section 832.7(b)(1)), I ask to obtain a copy of the following for San Francisco Police Department Sergeants Oscar Barcena (#1715) and Leonard Caldera (#498): 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by Sgt. Barcena (#1715) or Caldera (#498). 2. All records relating to the report, investigation, or findings of an incident in which the use of force by Sgt. Barcena (#1715) or Sgt. Caldera (#498) against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that Sgt. Barcena (#1715) or Sgt. Caldera (#498) engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Sgt. Barcena (#1715) or Sgt. Caldera (#498) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.*

*The California legislature has codified these records as not confidential and available for public inspection pursuant to the California Public Records Act (Penal Code Section 823.7(b)(2)). The same statute specifies that the records released shall include: • all investigative reports; • photographic, audio, and video evidence; • transcripts or recordings of interviews; • autopsy reports; • all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; • documents setting forth findings or recommended findings; and • copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Seth Meisels  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006456-010219

Dear Seth Meisels:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*Under the California Public Records Act (Penal Code Section 832.7(b)(1)), I ask to obtain a copy of the following for San Francisco Police Department Sergeants Oscar Barcena (#1715) and Leonard Caldera (#498): 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by Sgt. Barcena (#1715) or Caldera (#498). 2. All records relating to the report, investigation, or findings of an incident in which the use of force by Sgt. Barcena (#1715) or Sgt. Caldera (#498) against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that Sgt. Barcena (#1715) or Sgt. Caldera (#498) engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Sgt. Barcena (#1715) or Sgt. Caldera (#498) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Seth Meisels  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006456-010219

Dear Seth Meisels:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"Under the California Public Records Act (Penal Code Section 832.7(b)(1)), I ask to obtain a copy of the following for San Francisco Police Department Sergeants Oscar Barcena (#1715) and Leonard Caldera (#498): 1. All records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by Sgt. Barcena (#1715) or Caldera (#498). 2. All records relating to the report, investigation, or findings of an incident in which the use of force by Sgt. Barcena (#1715) or Sgt. Caldera (#498) against a person resulted in death, or in great bodily injury. 3. All records relating to incidents in which a sustained finding was made by any law enforcement agency or oversight agency that Sgt. Barcena (#1715) or Sgt. Caldera (#498) engaged in sexual assault — including the propositioning for or commission of any sexual act while on duty — involving a member of the public. These records should include those related to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. Please consider "member of the public" to be any person not employed by the officer's employing agency and including any participant in a cadet, explorer, or other youth program affiliated with the agency. 4. All records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Sgt. Barcena (#1715) or Sgt. Caldera (#498) directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

**CITY AND COUNTY OF SAN FRANCISCO**  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Joseph Nannery  
[REDACTED]

RE: Public Records Request, dated January 02, 2019, Reference # P006448-010219

Dear Joseph Nannery:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 02, 2019.

You requested:

*I request records maintained by the SFPD pertaining to former officer Mohammad Habib. Pursuant to Senate Bill 1421 enacted 01/01/19, I seek documents realting to Officer Mohammad Habib's truthfulness in his pre-employment background investigation and Internal Affairs investigation. Furthermore any records maintained pertaining to allegations of Habib's dishonesty, misconduct, and/or false statements are also requested. I understand that Habib was the subject of an investigation on or about 03/19/18 and was formally served regarding an Internal Affairs investigation. I understand that on or about 05/08/2018 Habib was released from the SFPD. The nature of the investigation alleged false statements by Habib that caused this action.*

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and

- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

The Police Department has determined there are no responsive documents to your request under SB 1421.

If you have any questions, please contact Jose Mora at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]

Nikka Singh Randhawa  
[REDACTED]

RE: Public Records Request, dated January 01, 2018, Reference # P006496-010719

Dear Nikka Singh:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2018.

You requested:

*Pursuant to California Inspection of Public Records Law § 6250 to § 6277, and the newly enacted SB-1421 as revisions to Penal Code §832.7, I write to request access to and a copy of:*

*All documents related to the various trials of \*OFFICER MARC ANDAYA\* and his 1) use of force, 2) any issues around dishonesty, 3) complaints and lawsuits brought against him as a result, and 4) any other misconduct related to his time from 1994-1997 with the San Francisco Police Department. Any documentation about this investigation that was given to the police commissioners at any meetings involving Andaya's use of force and misconduct should be turned over, including live audio testimony and recordings of the police commission meetings involving Andaya from 1996 onwards. Since you are already fulfilling a previous request for the meeting minutes those are not necessary. Thank you for your cooperating in providing those on an ongoing basis Sgt. Ware.*

*-The records should include all information around the in-custody death of AARON WILLIAMS in June of 1996, and any other incidents of misconduct and use of force.*

*-The records should include audio, paper, and video records.*

*-If the records are in long term storage, I request that in accordance with Cal. Gov't Code § 6253.1 (listed below) that I be notified of the location of the records, and that they be pulled from storage to fulfill my records request.*

*I request the above items in a digital format, preferably as a .wav file format for the audio, .pdf for the documents, and .mov for the videos. Please send these files via email or FTP upload to save time and resources.*

*Section §832.7 A-C state that records must be released for:*

- 1. any officer who had a "discharge of a firearm" or a "use of force" that "resulted in death, or in great bodily injury",*
- 2. any officer involved in "sexual assault" which has been defined as "any sexual act while on duty is considered a sexual assault" as well as*
- 3. any officer who demonstrates "dishonesty" through acts of "perjury, false statements, filing false reports, destruction, falsifying, or concealing evidence."*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

 Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Nikka Singh Randhawa  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006496-010719

Dear Nikka Singh:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

You requested:

*Pursuant to California Inspection of Public Records Law § 6250 to § 6277, and the newly enacted SB-1421 as revisions to Penal Code §832.7, I write to request access to and a copy of:*

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- 3. any officer who demonstrates “dishonesty” through acts of “perjury, false statements, filing false reports, destruction, falsifying, or concealing evidence.”*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer’s discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer’s use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Nikka Singh Randhawa  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006496-010719

Dear Nikka Singh:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*Pursuant to California Inspection of Public Records Law § 6250 to § 6277, and the newly enacted SB-1421 as revisions to Penal Code §832.7 , I write to request access to and a copy of:*

*All documents related to the various trials of \*OFFICER MARC ANDAYA\* and his 1) use of force, 2) any issues around dishonesty, 3) complaints and lawsuits brought against him as a result, and 4) any other misconduct related to his time from 1994-1997 with the San Francisco Police Department. Any documentation about this investigation that was given to the police commissioners at any meetings involving Andaya's use of force and misconduct should be turned over, including live audio testimony and recordings of the police commission meetings involving Andaya from 1996 onwards. Since you are already fulfilling a previous request for the meeting minutes those are not necessary. Thank you for your cooperating in providing those on an ongoing basis Sgt. Ware.*

*-The records should include all information around the in-custody death of AARON WILLIAMS in June of 1996, and any other incidents of misconduct and use of force.*

*-The records should include audio, paper, and video records.*

*-If the records are in long term storage, I request that in accordance with Cal. Gov't Code § 6253.1 (listed below) that I be notified of the location of the records, and that they be pulled from storage to fulfill my records request.*



*I request the above items in a digital format, preferably as a .wav file format for the audio, .pdf for the documents, and .mov for the videos. Please send these files via email or FTP upload to save time and resources.*

*Section §832.7 A-C state that records must be released for:*

- 1. any officer who had a "discharge of a firearm" or a "use of force" that "resulted in death, or in great bodily injury",*
- 2. any officer involved in "sexual assault" which has been defined as "any sexual act while on duty is considered a sexual assault" as well as*
- 3. any officer who demonstrates "dishonesty" through acts of "perjury, false statements, filing false reports, destruction, falsifying, or concealing evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public

records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Nikka Randhawa  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006744-020119

Dear Nikka Randhawa:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"All documents \*OFFICER JOSHUA CABILLO\* and his 1) use of force, 2) any issues around dishonesty, 3) complaints and lawsuits brought against him as a result, and 4) any other misconduct related to his time starting from 2013 to the present with the San Francisco Police Department. -The records should include all information around the shooting-death of OLIVER BARCENAS in 2018, and any other incidents of misconduct and use of force."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

Tim Redmond  
[REDACTED]

RE: Public Records Request, dated January 17, 2019, Reference # P006614-011719

Dear Tim Redmond:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 17, 2019.

You requested,

*"I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of the following officers: Jason Sawyer Roger Morse Richard Schiff Nathan Chew This includes all records related to the following conduct: · An incident involving the discharge of a firearm at a person; · An incident in which the use of force resulted in death or great bodily injury; · Any sustained finding involving sexual assault, as defined by Cal. Penal Code §832.7(b)(1)(B)(ii); · Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. I also seek any disclosable records related to the shooting death of Alex Nieto on March 21, 2014.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Tim Redmond  
[REDACTED]

RE: Public Records Request, dated January 17, 2019, Reference # P006614-011719

Dear Tim Redmond:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 17, 2019. On January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "I seek a copy of all disclosable records relating to the report, investigation, findings and administrative discipline of the following officers: Jason Sawyer Roger Morse Richard Schiff Nathan Chew This includes all records related to the following conduct: · An incident involving the discharge of a firearm at a person; · An incident in which the use of force resulted in death or great bodily injury; · Any sustained finding involving sexual assault, as defined by Cal. Penal Code §832.7(b)(1)(B)(ii); · Any sustained finding involving dishonesty directly relating to the reporting, investigation, or prosecution of a crime, including, but are not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, tampering with, or concealing of evidence, receipt or solicitation of bribes, loans, favors, or gifts, misappropriation of property, obstructing an investigation, or influencing a witness Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. I also seek any disclosable records related to the shooting death of Alex Nieto on March 21, 2014.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;

- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

**CITY AND COUNTY OF SAN FRANCISCO**  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019

Evan Sernoffsky  
[REDACTED]

RE: Public Records Request, dated January 03, 2019, Reference # I006464-010319

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 03, 2019, on January 10, 2019.

*You requested, "Jan. 1, 2019 William Scott Police Chief, San Francisco Police Department Sgt. Michael Andraychak Public Information Officer David Stevenson Director of Strategic Communications Dennis Herrera San Francisco City Attorney CC: Mayor London Breed Dear Chief Scott, Sgt. Andraychak, Mr. Stevenson and City Attorney Herrera This e-mail is a request for access to materials in the possession of the city and county of San Francisco for the purpose of inspection and copying pursuant to my rights under the California Public Records Act, section 6250 of the Government Code, and Senate Bill (SB) 1421. The information I want to inspect and copy is described as follows: All investigation reports, findings and recommendations along with recordings, and transcripts regarding the following officers and incidents. And any disciplinary records related to the incident. •Inspector John Newman – non-fatal shooting of Rudy Mejia July 3, 2010 ..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

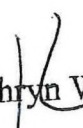
Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by January 25, 2019.

You have the option to narrow your request, for example, confining it to a particular officer or small number of officers, which might allow us to complete our response to your request sooner. In addition, you have the option to tell us which records you have sought that are your highest priority. In that event, we would do what we reasonably could to honor your preferences, in sequencing our provision of responsive records to you.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Evan Sernoffsky  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # I006464-010319

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

*You requested, "Jan. 1, 2019 William Scott Police Chief, San Francisco Police Department Sgt. Michael Andraychak Public Information Officer David Stevenson Director of Strategic Communications Dennis Herrera San Francisco City Attorney CC: Mayor London Breed Dear Chief Scott, Sgt. Andraychak, Mr. Stevenson and City Attorney Herrera This e-mail is a request for access to materials in the possession of the city and county of San Francisco for the purpose of inspection and copying pursuant to my rights under the California Public Records Act, section 6250 of the Government Code, and Senate Bill (SB) 1421. The information I want to inspect and copy is described as follows: All investigation reports, findings and recommendations along with recordings, and transcripts regarding the following officers and incidents. And any disciplinary records related to the incident. •Inspector John Newman – non-fatal shooting of Rudy Mejia July 3, 2010 ..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

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- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and

- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Evan Sernoffsky  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # I006464-010319

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"The information I want to inspect and copy is described as follows: All investigation reports, findings and recommendations along with recordings, and transcripts regarding the following officers and incidents. And any disciplinary records related to the incident. •Inspector John Newman – non-fatal shooting of Rudy Mejia July 3, 2010 ..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn ~~W~~Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 01, 2018, Reference # P006480-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2018.

You requested:

*Any and all records regarding a sustained finding that a peace officer engaged in sexual assault involving a member of the public*

*This request reasonably describes an identifiable record, and I believe there exists no express provision of law exempting such records from disclosure. Therefore, pursuant to state Government Code section 6257, I ask that you make the record "immediately available" in electronic format or based on my payment of fees covering direct cost of duplication.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

**Lt. Kathryn Waaland**

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006480-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

You requested:

*Any and all records regarding a sustained finding that a peace officer engaged in sexual assault involving a member of the public*

*This request reasonably describes an identifiable record, and I believe there exists no express provision of law exempting such records from disclosure. Therefore, pursuant to state Government Code section 6257, I ask that you make the record "immediately available" in electronic format or based on my payment of fees covering direct cost of duplication.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019



RE: Public Records Request, dated January 01, 2019, Reference # P006480-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"Any and all records regarding a sustained finding that a peace officer engaged in sexual assault involving a member of the public..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 01, 2018, Reference # P006482-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2018.

You requested:

*Any and all records regarding a sustained finding of dishonesty by a peace officer in reporting, investigating or prosecuting a crime or in reporting or investigating misconduct by another peace officer.*

*This request reasonably describes an identifiable record, and I believe there exists no express provision of law exempting such records from disclosure. Therefore, pursuant to state Government Code section 6257, I ask that you make the record "immediately available" in electronic format or based on my payment of fees covering direct cost of duplication.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006482-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019.

You requested:

*Any and all records regarding a sustained finding of dishonesty by a peace officer in reporting, investigating or prosecuting a crime or in reporting or investigating misconduct by another peace officer.*

*This request reasonably describes an identifiable record, and I believe there exists no express provision of law exempting such records from disclosure. Therefore, pursuant to state Government Code section 6257, I ask that you make the record "immediately available" in electronic format or based on my payment of fees covering direct cost of duplication.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and

- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019



RE: Public Records Request, dated January 01, 2019, Reference # P006482-010419

Dear Evan Sernoffsky:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2019. On January 11, 2019 and January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *“Any and all records regarding a sustained finding of dishonesty by a peace officer in reporting, investigating or prosecuting a crime or in reporting or investigating misconduct by another peace officer...”*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer’s discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer’s use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

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SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

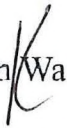
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn  Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 11, 2019  
[REDACTED]

Nikka Singh  
[REDACTED]

RE: Public Records Request, dated January 01, 2018, Reference # P006445-010119

Dear Nikka Singh:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 01, 2018.

You requested:

*Pursuant to California Inspection of Public Records Law § 6250 to § 6277, and the newly enacted SB-1421 as revisions to Penal Code §832.7, I write to request access to and a copy of:*

*1. All documents related to \*OFFICER MARC ANDAYA\* and his 1) use of force, 2) any issues around dishonesty, 3) complaints and lawsuits brought against him as a result, and 4) any other misconduct related to his time from 1994-1997 with the San Francisco Police Department. Any documentation about this investigations that was sent to subsequent agencies should also be included.*

*-The records should include all information around the in-custody death of AARON WILLIAMS in June of 1996, and any other incidents of misconduct and use of force.*

*2. All documents \*OFFICER JOSHUA CABILLO\* and his 1) use of force, 2) any issues around dishonesty, 3) complaints and lawsuits brought against him as a result, and 4) any other misconduct related to his time starting from 2013 to the present with the San Francisco Police Department.*

*-The records should include all information around the shooting-death of OLIVER BARCENAS in 2018, and any other incidents of misconduct and use of force.*

*3. All documents related to \*OFFICERS A) IAN M. FURMINGER, B) EDMOND M ROBLES, C) REYNALDO C. VARGAS, D) RAIN DAUGHERTY, E) SEAN DOHERTY, F) ANGEL LOZANO, G) RICHARD RUIZ, H) MICHAEL ROBISON, I) NOEL SCHWAB, J) MICHAEL WIBUNSIN, and K) JASON FOX, as it relates to misconduct with sending racist and other problematic text messages, any use of force incident, and misconduct more broadly.*

*-The (3) requests above should include audio, communications (texts, emails, etc.), paper, and video records. -If the records are in long term storage, I request that in accordance with Cal.*

*Gov't Code § 6253.1 (listed below) that I be notified of the location of the records, and that they be pulled from storage to fulfill my records request.*

Pursuant to Government Code Section 6253(c), the Police Department hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to consult with another division of the agency. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than January 25, 2019.

If you have any questions, please contact Officer Jose Mora [REDACTED] at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lt. Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019  
[REDACTED]

Nikka Singh  
[REDACTED]

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SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

 Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Nikka Singh  
[REDACTED]

RE: Public Records Request, dated January 01, 2019, Reference # P006445-010119

Dear Nikka Singh:

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- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

January 25, 2019

Matt Sotorosen  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006578-011519

Dear Matt Sotorosen:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019.

*You requested, "Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following, which I understand to be held by your agency: Any records relating to any and all incidents in which a sustained finding was made by any law enforcement agency, oversight agency, including but not limited to your agency, of dishonesty relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. We request the aforementioned information in relation to San Francisco Police Officer Eduard Ochoa and San Francisco Police Sergeant Daniel Manning. I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make a determination without having to review the records in question.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

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- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)



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If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

  
Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
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**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Matt Sotorosen  
[REDACTED]

RE: Public Records Request, dated January 15, 2019, Reference # P006578-011519

Dear Matt Sotorosen:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 15, 2019. On January 25, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following, which I understand to be held by your agency: Any records relating to any and all incidents in which a sustained finding was made by any law enforcement agency, oversight agency, including but not limited to your agency, of dishonesty relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. We request the aforementioned information in relation to San Francisco Police Officer Eduard Ochoa and San Francisco Police Sergeant Daniel Manning. I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make a determination without having to review the records in question.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 20, 2019

DeAndre Wright  
[REDACTED]

RE: Public Records Request, dated February 10, 2019, Reference # P006809-021019

Dear DeAndre Wright:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 10, 2019.

*You requested, "I would like information on all sworn officers that have been suspended or terminated from the San Francisco Police Department within the past 3 years. Please provide the following information for each suspension/termination: Length of suspension Years of service for the officer Reason for suspension/termination If reasonably easy to distinguish, please also advise how many of the suspension days overlapped the officer's regular working day."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or



investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 06, 2019. Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

**Sgt. Victoria Sullivan #571**  
FOR

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 06, 2019

Tom Yu  
[REDACTED]

RE: Public Records Request, dated January 27, 2019, Reference # P006674-012719

Dear Tom Yu:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 27, 2019.

You requested:

*"ANY AND ALL INFORMATION OF THE FOLLOWING CATEGORIES PERTAINING TO OFFICER BRIDGET O'CONNOR (i) An incident involving the discharge of a firearm; (ii) An incident in which the use of force against a person resulted in death, or in great bodily injury. (iii) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a OFFICER O'CONNOR engaged in sexual assault involving a member of the public. (iv) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by OFFICER O'CONNOR directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

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Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by February 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

February 15, 2019

Tom Yu  
[REDACTED]  
[REDACTED]

RE: Public Records Request, dated January 27, 2019, Reference # P006674-012719

Dear Tom Yu:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 27, 2019. On February 06, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "*ANY AND ALL INFORMATION OF THE FOLLOWING CATEGORIES PERTAINING TO OFFICER BRIDGET O'CONNOR (i) An incident involving the discharge of a firearm; (ii) An incident in which the use of force against a person resulted in death, or in great bodily injury. (iii) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a OFFICER O'CONNOR engaged in sexual assault involving a member of the public. (iv) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by OFFICER O'CONNOR directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 1, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at [REDACTED]

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 15, 2019

Matthew Smith  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006908-022119

Dear Matthew Smith:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019. On March 1, 2019 the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

*You requested, "I wish to review records produced between 1995 and 2012 involving SFPD officer Jesse Serna. I wish to review Jesse Serna's officer personnel records; peace officer discipline records, records relating to the report; investigation, or findings of an incident involving the discharge of a firearm at a person, records relating to the report, investigation or findings of an incident in which the use of force by officer Serna against a person resulted in death or great bodily injury. \* I wish to review records relating to incidents involving officer Serna in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. \* I wish to review records relating to incidents involving officer Serna in which there was a sustained finding of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing of evidence. \* I wish to review video and audio recordings of "critical incidents," involving officer Serna defined as an incident involving the discharge of a firearm at a person by a peace officer or custodial officer, or an incident in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis.

On Friday, March 1, 2019, SFPD was ordered not to release responsive records under SB 1421 that predate January 1, 2019. Therefore, at this time we are not releasing those particular documents. Attached please find the court order.

Records that are not captured by the court order are being processed. We anticipate providing you an update on April 5, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 1, 2019

Matthew Smith  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006908-022119

Dear Matthew Smith:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019.

*You requested, "I wish to review records produced between 1995 and 2012 involving SFPD officer Jesse Serna. I wish to review Jesse Serna's officer personnel records; peace officer discipline records, records relating to the report; investigation, or findings of an incident involving the discharge of a firearm at a person, records relating to the report, investigation or findings of an incident in which the use of force by officer Serna against a person resulted in death or great bodily injury. \* I wish to review records relating to incidents involving officer Serna in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. \* I wish to review records relating to incidents involving officer Serna in which there was a sustained finding of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing of evidence. \* I wish to review video and audio recordings of "critical incidents," involving officer Serna defined as an incident involving the discharge of a firearm at a person by a peace officer or custodial officer, or an incident in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury.*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;



- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by March 15, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
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1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 15, 2019

Zachary Dillon  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006911-022119

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019. On March 1, 2019 the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I am requesting that any records or reports regarding the following for SFPD Officers Phillip Gordon (#1913), Joshua Espinoza (#525), Stephen Gritsch (#2284), and Aaron Cowhig (#2084) be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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Records that are not captured by the court order are being processed. We anticipate providing you an update on April 5, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 15, 2019

Zachary Dillon  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006917-022119

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019. On March 1, 2019 the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, *"I am requesting that any records or reports regarding the following for Robert Glenn (2283) and Gilbert Wong (4222) be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and



- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis.

On Friday, March 1, 2019, SFPD was ordered not to release responsive records under SB 1421 that predate January 1, 2019. Therefore, at this time we are not releasing those particular documents. Attached please find the court order.

Records that are not captured by the court order are being processed. We anticipate providing you an update on April 5, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

March 1, 2019

Zachary Dillon  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006917-022119

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019.

You requested, *"I am requesting that any records or reports regarding the following for Robert Glenn (2283) and Gilbert Wong (4222) be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

March 1, 2019

Zachary Dillon  
[REDACTED]

RE: Public Records Request, dated February 21, 2019, Reference # P006911-022119

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 21, 2019.

You requested, *"I am requesting that any records or reports regarding the following for SFPD Officers Phillip Gordon (#1913), Joshua Espinoza (#525), Stephen Gritsch (#2284), and Aaron Cowhig (#2084) be made available for inspection: • An incident involving the discharge of a firearm at a person by a peace officer. • An incident in which the use of force by a peace officer resulted in death or great bodily injury. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public. • An incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence..."*

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- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;



- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

Lt. Kathryn Waaland

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division



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**WILLIAM SCOTT**  
CHIEF OF POLICE

March 15, 2019

Jessica Winter  
[REDACTED]

RE: Public Records Request, dated March 05, 2019, Reference # P007106-030619

Dear Jessica Winter:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 05, 2019.

You requested, *"Our request encompasses the specific documents listed below, including but not limited to: external and internal correspondence; reports; memoranda; summaries; agendas; e-mails; writings; logs; notes; policies; procedures; regulations; directives; orders; bulletins; pamphlets or brochures; audio or video tapes; computer disks and other electronically recorded data; news clippings and newspaper articles; transcripts; and any other responsive documents. It also includes all drafts of any of the foregoing items. The term "document" as used in this request has the same broad definition as given to the term "writing" in California Government Code § 6252(f). All requests specified below apply to all documentation in possession of the City and County of San Francisco and the San Francisco Police Department, regardless of whether the documented events that took place prior to Joshua Cabillo's tenure as an officer of the San Francisco Police Department. Specifically, we request:*

*1. Any and all records or documents related to the training and certification of Officer Joshua Cabillo, particularly with regard to the use of force and firearms, including any and all documents related to critical incident training and evaluations. 2. Any and all incident reports, infractions, reprimands, or admonishments issued to Officer Joshua Cabillo during his tenure as police officer for violations of police department policy. 3. Any and all complaints regarding Officer Cabillo submitted by the general public pertaining to Officer Cabillo's use of force, dishonesty, or overly aggressive policing. 4. Any and all documentation regarding any sustained finding of dishonesty committed by Officer Cabillo during his tenure as a police officer. 5. Any and all documentation relating to any use of force by Officer Cabillo that resulted in bodily injury to the victim. 6. Any and all documentation relating to instances in which Officer Cabillo discharged his firearm in the line of duty. 7. Any and all documents in any and all of the foregoing categories, obtained by the City and County of San Francisco and the San Francisco Police Department, prior to the hiring of Officer Cabillo as a San Francisco Police Officer..."*

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow



exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer.(See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

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On Friday, March 1, 2019, SFPD was ordered not to release responsive records under SB 1421 that predate January 1, 2019. Therefore, at this time we are not releasing those particular documents. Attached please find the court order.

Records that are not captured by the court order are being processed. We anticipate providing you an update on April 5, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

**Lt. Kathryn Waaland**

Lieutenant Kathryn Waaland  
Officer in Charge  
Legal Division





**LONDON N. BREED**  
MAYOR

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San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 15, 2019

Serguei Kovalenko  
[REDACTED]

RE: Public Records Request, dated March 07, 2019, Reference # P007124-030719

Dear Serguei Kovalenko:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 07, 2019.

You requested, "*All personal records available pursuant to Senate Bill 1421*"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed.

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- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

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and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

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
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Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora [REDACTED].

Sincerely,

  
**Lt. Kathryn Waaland**

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Officer in Charge  
Legal Division